

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

LAKEWOOD PIZZA COMPANY, LLC  
d/b/a THE LOCAL PIZZERIA

v.

RED CARPET LOUNGE, LLC  
d/b/a LAKEWOOD LOCAL

Case No. 4:24-cv-00277-BCW

**AFFIDAVIT OF PHIL LEVOTA**

1. I, Phil LeVota, state as follows.
2. I have personal knowledge of the facts relevant to the present dispute and could competently testify thereto.
3. I am an attorney with The Law Offices of Phil LeVota LLC. I am licensed to practice law in Missouri and represent Red Carpet LLC.
4. This affidavit is submitted in connection with Defendant's Motion to Dismiss and is based on my personal knowledge and on the business records of Red Carpet, which I have personally reviewed and verified.
5. Red Carpet has never registered the domain name thelocalpizzeria.com.
6. Red Carpet has never owned the domain name thelocalpizzeria.com.
7. Red Carpet has never operated the domain name thelocalpizzeria.com.
8. On information and belief, the domain name was registered and owned by Harry Singer, in his personal capacity and not involved with Red Carpet LLC.
9. Plaintiff is aware of Mr. Singer and his prior involvement in the business. *See* Dkt. #1 at 11.

10. Mr. Singer passed away in September of 2023. *See In memory of Harry Singer*, available at <https://everloved.com/life-of/harry-singer/?flow=201> (last visited August 29, 2024).

11. Red Carpet has no control and has never had any control over the domain name at issue.

12. Defendant's counsel notified Plaintiff on several occasion that Red Carpet had no ownership or control over the website even before the filing of this action.

13. Since this filing, Plaintiff has been in contact with the estate of Harry Singer and Plaintiff now owns the website in question and there is no further dispute on a forwarding of this website to anywhere but Plaintiff's business.

14. Plaintiff has not dismissed the action even though the issue has been resolved.

15. Even if Plaintiff succeeded in its claims,<sup>1</sup> Red Carpet would have no ability to cede, modify, or otherwise control the domain name at issue.

16. Accordingly, this matter cannot continue because Mr. Singer's Estate would be a necessary party. The matter should be dismissed.

\* \* \*

I declare and certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



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Phil LeVota, Esq.

August 29, 2024

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Date

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<sup>1</sup> Defendant disputes that Plaintiff has any viable claim for relief and will defend on the merits if and when such defense becomes necessary.